

November 3, 2004

Mr. Joseph Ziegler, Director  
Office of License Application and Strategy  
U.S. Department of Energy  
Office of Repository Development  
1551 Hillshire Drive  
North Las Vegas, NV 89134-6321

SUBJECT: RESPONSE TO NOTIFICATION OF ADDITIONAL TRENCHES AND TEST PITS  
PROPOSED FOR CLOSURE

Dear Mr. Ziegler:

In a letter dated October 7, 2004, you provided notification of additional trenches and test pits proposed for closure, and you requested any comments we might have on your proposed action. In the past, the Division of High-Level Waste Repository Safety was alerted to similar plans to close trenches and test pits. This afforded our staff an additional opportunity to make observations, collect samples and review the U.S. Department of Energy's (DOE's) records of the excavations, if needed.

There is no compelling reason for the U.S. Nuclear Regulatory Commission to request that any of the trenches identified in the October 7<sup>th</sup> letter be left open. We continue to consider that: (1) DOE safety-first approach to trench and test pit closure is of paramount importance over maintaining them in an open or unfilled condition; and (2) a trench, or any source of data, that may be needed to be re-sampled, tested in situ, or otherwise re-visited (e.g., trenches, test pits, boreholes, rock pavements, geophysical survey shot-points) would be made available to the extent practicable. You stated that these trenches have been appropriately logged and the data have been entered into DOE's Records Information System. Additionally, we would expect that the data and any results from testing and analyses derived from the trench and pit investigations will be documented in accordance with applicable procedures.

If you have any questions or comments on this matter, please contact Dr. Philip Justus at (301) 415-5669, or [psj@nrc.gov](mailto:psj@nrc.gov).

Sincerely,

/RA/

Lawrence E. Kokajko, Deputy Director  
Technical Review Directorate  
Division of High-Level Waste Repository Safety  
Office of Nuclear Material Safety  
and Safeguards

cc: See attached list

Letter to J. Ziegler from C.W. Reamer, dated:  
cc:

November 3, 2004

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A. Kalt, Churchill County, NV  
R. Massey, Churchill/Lander County, NV  
I. Navis, Clark County, NV  
E. von Tiesenhausen, Clark County, NV  
G. McCorkell, Esmeralda County, NV  
R. Damele, Eureka County, NV  
L. Marshall, Eureka County, NV  
A. Johnson, Eureka County, NV  
A. Remus, Inyo County, CA  
M. Yarbro, Lander County, NV  
S. Hafen, Lincoln County, NV  
M. Baughman, Lincoln County, NV  
L. Mathias, Mineral County, NV  
D. Swanson, Nye County, NV  
M. Maher, Nye County, NV  
D. Hammermeister, Nye County, NV  
M. Simon, White Pine County, NV  
J. Ray, NV Congressional Delegation  
B. J. Vonderheide, NV Congressional Delegation  
T. Story, NV Congressional Delegation  
R. Herbert, NV Congressional Delegation  
M. Murphy  
S. Joya, NV Congressional Delegation  
K. Kirkeby, NV Congressional Delegation  
R. Loux, State of NV  
S. Frishman, State of NV  
S. Lynch, State of NV  
P. Guinan, Legislative Counsel Bureau  
R. Clark, EPA  
R. Anderson, NEI

A. Elzeftawy, Las Vegas Paiute Tribe  
J. Treichel, Nuclear Waste Task Force  
W. Briggs, Ross, Dixon & Bell  
M. Chu, DOE/Washington, D.C.  
G. Runkle, DOE/Washington, D.C.  
C. Einberg, DOE/Washington, D.C.  
S. Gomberg, DOE/Washington, D.C.  
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D. Beckman, BSC/B&A  
M. Voegelé, BSC/SAID  
B. Helmer, Timbisha Shoshone Tribe  
R. Boland, Timbisha Shoshone Tribe  
R. Arnold, Pahrump Paiute Tribe  
J. Birchim, Yomba Shoshone Tribe  
R. Holden, NCAE

cc: (Continued)

R. McCullum, NEI

S. Kraft, NEI

J. Kessler, EPRI

D. Duncan, USGS

R. Craig, USGS

W. Booth, Engineering Svcs, LTD

S. Echols, Esq.

C. Marden, BNFL, Inc.

J. Bacocho, Big Pine Paiute Tribe of the  
Owens Valley

P. Thompson, Duckwater Shoshone Tribe

T. Kingham, GAO

D. Feehan , GAO

E. Hiruo, Platts Nuclear Publications

G. Hernandez, Las Vegas Paiute Tribe

K. Finrock, NV Congressional Delegation

P. Johnson, Citizen Alert

A. Capoferri, DOE/ Washington, DC

J. Williams, DOE/Washington, DC

A. Robinson, Robinson-Seidler

M. Dayton, City of Las Vegas

D. Wilson, Sen. Reid's Office

L. Lehman, T-REG, Inc.

J. Donnell, DOE/ORD

C. Meyers, Moapa Paiute Indian Tribe

R. Wilder, Fort Independence Indian Tribe

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J. Egan, Egan, Fitzpatrick & Malsch, PLLC

J. Leeds, Las Vegas Indian Center

J. C. Saulque, Benton Paiute Indian Tribe

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E. Smith, Chemehuevi Indian Tribe

D. Buckner, Ely Shoshone Tribe

V. Guzman, Walker River Paiute

D. Eddy, Jr., Colorado River Indian Tribes

H. Jackson, Public Citizen

J. Wells, Western Shoshone National  
Council

D. Crawford, Inter-Tribal Council of NV

I. Zabarte, Western Shoshone National  
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G. Hudlow

D. Irwin, Hunton & Williams

L. Alfano, Lincoln County

M. Henderson, Cong. J. Gibbon's Office

D. Duquette, NWTRB

R. Murray, DOE/ORD

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Lawrence E. Kokajko, Deputy Director  
Technical Review Directorate  
Division of High-Level Waste Repository Safety  
Office of Nuclear Material Safety  
and Safeguards

cc: See attached list

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\*See Previous Concurrence

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